

WEDNESDAY, MARCH 24, 1993

TWENTY-FOURTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Phillip Cook, First Methodist Church, Ripley, Tennessee.

Representative Crain led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Garrett; personal commitment.

Representative Head; illness.

ROLL CALL

The roll call was taken with the following results:

Present 92

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

PRESENT IN CHAMBER

Representative(s) McAfee, Chumney, DeBerry, Duer and Herron was/were recorded as being present in the Chamber.

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**REPORT OF COMMITTEE ON CALENDAR AND RULES
March 23, 1993**

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Thursday, March 25, 1993: House Bill(s) No(s). 640, 677, 653, 673, 647, 961, 1389, 128, 121, 1013, 420, 1145, 924, 594 and 1418; Senate Joint Resolution(s) No(s). 71; also, House Bill(s) No(s). 112 and 113.

The Committee set the following bills on the Regular Calendar for Thursday, April 8, 1993: House Bill(s) No(s). 1305.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 29, 1993: House Bill(s) No(s). 1014 and 1520; House Resolution(s) No(s). 2; also, House Bill(s) No(s). 546 and 877.

REPORTS FROM STANDING COMMITTEES

The committees that met on Tuesday, March 23, 1993, reported the following:

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 979; also, House Bill(s) No(s). 1263 and 1004 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 555, 1008 and 1215; also, House Bill(s) No(s). 1331 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 44; also, House Bill(s) No(s). 1028, 466 and 285 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1070; also, House Bill(s) No(s). 785 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage:

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House Bill(s) No(s). 1261 and 591; House Bill(s) No(s). 792, 679, 1363 and 1507 with amendment(s); for adoption: House Joint Resolution(s) No(s). 41; also, House Joint Resolution(s) No(s). 103 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 331 and 344; also, House Bill(s) No(s). 1435 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1387, 667, 668, 669, 486, 975 and 392; also, House Bill(s) No(s). 1012 and 1114 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1064, 164, 1142 and 1048; also, House Bill(s) No(s). 12 and 671 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 146, 1405 and 697; House Bill(s) No(s). 897 and 1299 with amendment(s); for adoption: House Joint Resolution(s) No(s). 107 and 106. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORT OF CHIEF ENGROSSING CLERK March 23, 1993

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 643, 666 and 685; also, House Joint Resolution(s) No(s). 16, 32, 105, 108, 110, 111, 113, 114, 115, 116 and 118.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS March 23, 1993

The following bills have been compared, enrolled, and are ready

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for the signature(s) of the Speaker(s): House Bills(s) No(s). 345, 548, 573, 639 and 971.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 23, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 345, 548, 573, 639 and 971.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 23, 1993

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 85, 102, 114, 118, 123, 132, 230, 235, 442, 572, 597, 615, 650 and 1584; also, Senate Joint Resolution(s) No(s). 93, 99 and 110.

REPORT OF COMMITTEE ON CALENDAR AND RULES

March 24, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Monday, March 29, 1993: House Bill(s) No(s). 1365, 303, 404, 1456, 406, 403, 104, 1020, 223, 488, 1210, 1212, 1232, 342 and 332; also, House Joint Resolution(s) No(s). 73.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 29, 1993: House Bill(s) No(s). 25, 242 and 533.

REPORTS FROM STANDING COMMITTEES

The committees that met on Wednesday, March 24, 1993, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1100. Under the rules, each was transmitted to the Calendar and Rules Committee.

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HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 472 and 1213 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 166 and 286. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 918, 1534, 831, 829 and 748; House Joint Resolution(s) No(s). 82; House Bill(s) No(s). 587, 790, 299, 941, 821, 830, and 755; also, House Resolution(s) No(s). 4 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 398 and 1537; also, House Bill(s) No(s). 819 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 0016 -- General Assembly, Studies -- Continues committee on earthquake preparedness. by *Kernell, *Pinion, *Crain, *Haley, *Kent, *Jones R, *Cole Ronnie, *Williams K, *Brooks.

Conservation and Environment Committee.

*House Joint Resolution No. 0134 -- General Assembly, Studies -- Creates special joint committee to study issues pertaining to planning and service delivery. by *McDaniel.

State and Local Government Committee.

*House Joint Resolution No. 0135 -- General Assembly, Studies -- Continues special joint committee to study rising health care costs. by *Herron, *McDaniel, *Chiles.

Health and Human Resources Committee.

*House Joint Resolution No. 0136 -- General Assembly, Studies -- Continues special joint committee to study rising health care costs. by *Herron, *McDaniel.

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Health and Human Resources Committee.

*House Joint Resolution No. 0137 -- General Assembly, Studies -- Creates special joint committee to study community reinvestment ratings and practices of financial institutions designated as state depositories. by *Brown, *Turner L, *Thompson, *Brooks.

Commerce Committee.

*House Joint Resolution No. 0138 -- General Assembly, Studies -- Creates special study committee to study issues of biracial adoptions. by *Brown, *Turner L, *Thompson, *Brooks.

Judiciary Committee.

*House Joint Resolution No. 0139 -- General Assembly, Studies -- Creates special joint committee to study automobile insurance rates and premiums. by *Dixon.

Commerce Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, March 25, 1993:

House Resolution No. 0017 -- Memorials, Heroism -- Jennifer Melton. by *Naifeh.

House Resolution No. 0018 -- Memorials, Public Service -- Helen Watts. by *Gunnels.

House Joint Resolution No. 0140 -- Memorials, Personal Occasion -- Lindsey and Jennie Payne, Sixtieth wedding anniversary. by *West.

House Joint Resolution No. 0141 -- Memorials, Professional Achievement -- Wayne Jackson and Andrew Love, The Memphis Horns. by *Jones R.

House Joint Resolution No. 0142 -- Memorials, Public Service -- Representative Harold Holt. by Cole (Dyer)

House Joint Resolution No. 0143 -- Memorials, Academic Achievement -- Tulip Grove School, America's Best Elementary Schools Award. by *West.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

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***Senate Joint Resolution No. 0062 -- Memorials, Government Officials -- Urges support for prayer in schools.**

State and Local Government Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1619 -- Lewisburg -- Revises charter; creates offices of city judge and city court clerk. Amends Chapter 36, Private Acts of 1915, as amended. by *Fowlkes, *Mires.

House Bill No. 1621 -- Jackson -- Revises charter with respect to municipal civil service system. Amends Chapter 167, Private Acts of 1969, as amended. by *Kisber, *McDaniel.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 0045 -- Hotels and Restaurants -- Expands "critical items" in inspections of food service establishments to include unsanitary conditions in public restrooms or areas of restaurant where food is served to public. Amends TCA, Title 68, Ch. 14, Pt. 3. (*HB 0011).

Senate Bill No. 0202 -- Motor Vehicles, Titling and Registration -- Authorizes law enforcement personnel to impound vehicle located on private property if determined registration plate stolen, renewal decal stolen or certificate of title is fictitious or has been revoked. Amends TCA, Title 55, Ch. 5. (*HB 0108).

Senate Bill No. 0213 -- State Employees -- Extends to children of state employees killed on the job or in the line of duty present 25 percent tuition reduction at state operated technical or vocational school or institution of higher learning available to children of full time state employees. Amends TCA 8-50-115. (*HB 0128).

***Senate Bill No. 0241 -- Hospitals and Health Care Facilities -- Redefines "hospital records" to include electronically stored data. Amends TCA 68-11-302. (HB 1272).**

***Senate Bill No. 0275 -- AIDS -- Requires acute care hospitals and ambulatory surgical treatment centers to devise and adopt appropriate policies concerning the testing of staff for HIV/AIDS; requires such policies to be in force by January 1, 1994. Amends TCA 68-11-222. (HB 0448).**

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*Senate Bill No. 0680 -- Architects and Engineers -- Revises various provisions concerning architects, engineers and landscape architects. Amends TCA 62-2-102, 103; Title 62, Ch. 2, Pt. 4. (HB 0954).

*Senate Bill No. 0881 -- Municipal Government -- Allows municipalities to collect costs against landowners through filings of actions for debt. Amends TCA 6-54-113, 13-21-103. (HB 0846).

*Senate Bill No. 1172 -- County Government -- Allows a county with a charter form of government to pass ordinances on two readings. Amends TCA 5-1-211. (HB 1387).

*Senate Bill No. 1356 -- Education -- Adds two at large members, one each from senate and house, to select oversight committee on education. Amends TCA 3-15-301. (HB 1136).

*Senate Bill No. 1415 -- Contractors -- Reduces time for appointment of person designated by corporation or partnership to take contractor's examination from 18 to 13 months. Amends TCA 62-6-115. (HB 1292).

*Senate Bill No. 1565 -- Naming and Designating -- "Lucius E. Burch, Jr. Farms Forest," portion of Shelby Farms which is scenic recreational area. (HB 1557).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1617 -- Carthage -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1618 -- Oneida -- Held on Clerk's desk pending approval by local delegation.

REGULAR CALENDAR

House Bill No. 0901 -- Lawrence County -- Levies tax on pulpwood; proceeds go to Lawrence County Tomorrow Project Fund.

Further consideration of House Bill No. 901, previously considered on February 22 and 24, 1993, at which time it was reset to the Calendar for March 24, 1993.

Rep. Moore moved that House Bill No. 901 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0870 -- Wayne County -- Increases severance tax on pulpwood from 15 to 30 cents per ton. Amends Chapter 61, Private Acts of 1989.

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Further consideration of House Bill No. 870, previously considered on February 22 and 24, 1993, at which time it was reset to the Calendar for March 24, 1993.

Rep. Moore moved that House Bill No. 870 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0698 -- Fire Prevention and Investigation -- Transfers arson investigators from department of commerce and insurance to TBI; establishes arson investigation division. Amends TCA, Title 38, Ch. 6; Title 68, Ch. 102.

Further consideration of House Bill No. 698, previously considered on March 8, 1993, at which time Amendment No. 1 was moved to the heel of the Amendments, a motion was made to adopt Amendment No. 2, and the bill was reset to the Calendar for March 24, 1993.

Rep. Rhinehart moved that House Bill No. 698 be reset two weeks to the Calendar for April 7, 1993, which motion prevailed.

House Bill No. 0497 -- Water Pollution and Water Resources -- Allows county highway superintendent to make emergency repairs to up to 400 feet of road without violating Water Quality Control Act or without being required to obtain permit before making such repairs. Amends TCA, Title 69, Ch. 3, Pt. 1.

Rep. Buck moved that House Bill No. 497 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 497 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following new subsections:

() A chief administrative officer of a county highway department does not violate the provisions of this chapter by repairing or causing the repair of up to four hundred feet (400') of highway or road in an emergency situation if immediate repairs are necessary to protect human safety and welfare and if such repairs comply with rules and regulations promulgated by the board which regulate the manner in which the repairs are made. Such officer need not obtain a permit prior to making such repairs under such circumstances.

Within ten (10) days of the completion of any highway or road repair made pursuant to this subsection, the chief administrative officer of the county highway department ordering such repair shall notify the commissioner, in writing, of the action taken and the nature of the emergency necessitating such immediate repair.

() The department of environment and conservation shall provide immediate assistance to any county in which such emergency occurs.

Section 2. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following new section:

Section ____ The board shall promulgate rules and regulations pursuant to Tennessee Code Annotated, Title 4, Chapter 5, which regulate the manner in which emergency repairs made in accordance with the provisions of Section 1 of this act must be made. The department shall send a copy of such rules and regulations to each county highway department in the state.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that House Bill No. 497, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Bragg, Halteman

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Harwell, Odom, Purcell, Turner (Shelby), West -- 6.

A motion to reconsider was tabled.

RULES SUSPENDED

The rules were suspended to allow Rep. Kisber to approach the well to recognize Miss Tennessee, Leah Hulan.

REGULAR CALENDAR, CONTINUED

House Bill No. 0737 -- Real Estate Agents and Brokers -- Requires that applicant for affiliate real estate broker's license have high school diploma or GED; requires that all affiliate brokers complete 30 hours of educational courses within one year of obtaining license. Amends TCA 62-13-303.

Further consideration of House Bill No. 737, previously considered on March 17, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 24, 1993.

On motion, House Bill No. 737 was made to conform with Senate Bill No. 1182; the Senate Bill was substituted for the House Bill.

Rep. Huskey moved that Senate Bill No. 1182 be passed on third and final consideration.

Rep. Brown moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Huskey moved that Senate Bill No. 1182 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	83
Noes	8
Present and not voting	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Gunnels, Haley, Halteman, Harwell, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland,

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Whitson, Williams (Shelby), Williams (Union), Williams (Williamson),
Winningham, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Brown, Coffey, Givens,
Hargrove, Lewis, Shirley, Stockburger, Windle -- 8.

Representatives present and not voting were: Ferguson, Pruitt,
Rigsby, Stamps, Wix -- 5.

A motion to reconsider was tabled.

House Bill No. 1601 -- Bartlett -- Revises and reenacts charter.
Amends Chapter 449, Acts of 1905, as amended.

Further consideration of House Bill No. 1601, previously
considered on March 15 and 17, 1993, at which time it was objected
to on the Consent Calendar and reset to the Calendar for March 24,
1993.

Rep. Byrd moved that House Bill No. 1601 be passed on third and
final consideration.

Rep. Byrd moved to adopt Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1601 by deleting from Section 2 of
Article I the following words:

"Be it enacted by the general assembly of the state of
Tennessee, that the"

and substituting instead the word "The".

AND FURTHER AMEND by deleting from the tenth sentence in
Section 1 of Article III the words "On the first Tuesday in
November, 1994," and substituting instead the words "At the
regular November election held in 1994,"

AND FURTHER AMEND by deleting from the twelfth sentence in
Section 1 of Article III the words "On the first Tuesday in
November, 1996," and substituting instead the words "At the
regular November election held in 1996,"

AND FURTHER AMEND by deleting Section 2 of Article III in
its entirety and substituting instead the following new Section
2:

SECTION 2. Election Dates. The first election under
this charter shall be held at the regular November election
on the first Tuesday after the first Monday in November,
1994.

AND FURTHER AMEND by deleting from item (a) of Section 7 of

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Article III the words "next general election" and substituting instead the words "next regular November election".

AND FURTHER AMEND by deleting item (d) of Section 7 of Article III in its entirety and substituting instead the following new item (d):

(d) Procedure for Filling Vacancy in the Office of Alderman. Within thirty (30) days after a vacancy occurs in the office of alderman, the board shall appoint to such office a citizen, who would be eligible for election thereto, to serve for the remainder of the unexpired term thereof.

AND FURTHER AMEND in Section 2 of Article VIII by deleting the following sentences:

"Upon the effective date of this section, the board may appoint a qualified person to serve as city judge until the next regular general election. The first city judge popularly elected pursuant to this section shall be elected at the next regular general election that takes place at least thirty (30) days after the effective date of this section. The person elected at this election shall serve only until the next regular judicial election held in accordance with Article 7, Section 5, of the Tennessee Constitution. All subsequent elections for city judge pursuant to this section shall be held in accordance with Article 7, Section 5, of the Tennessee Constitution."

and substituting instead the following new sentences:

"Upon the effective date of this section, the board may appoint a qualified person to serve as city judge until the next regular November election. The first city judge popularly elected pursuant to this section shall be elected at the election held pursuant to Article III, Section 2 of this charter."

AND FURTHER AMEND in Section 2 of Article VIII by adding the following new sentence at the end of the first paragraph:

Any person elected city judge shall also be a resident of the city of Bartlett.

AND FURTHER AMEND in Section 2 of Article VIII by deleting from the second sentence of the second paragraph the words "next regular general election" and substituting instead the words "next regular November election".

AND FURTHER AMEND by deleting from the first sentence of Section 1 of Article XII the words "Be it further enacted, that all" and substituting instead the word "All"

AND FURTHER AMEND by deleting from the first sentence of

Section 5 of Article XII the words "Be it further enacted, that all" and substituting instead the word "All"

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved that House Bill No. 1601, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1522 -- Insurance, Health, Accident -- Revises procedures for filing policies with commissioner of commerce and insurance. Amends TCA 56-26-102.

Rep. Rhinehart moved that House Bill No. 1522 be reset to the Calendar for the third Wednesday of the 1994 session, which motion prevailed.

House Bill No. 0859 -- Advertising -- Prohibits misleading advertising of available financing that does not disclose that payments are not uniform or number of payments to be made. Amends TCA, Title 47, Ch. 18; Title 55, Ch. 17.

Rep. Moore moved that House Bill No. 859 be passed on third and final consideration.

Rep. Clark moved adoption of Consumer and Employees Affairs Committee Amendment No. 1, seconded by Rep. Moore, as follows:

Amendment No. 1

Amend House Bill No. 859 by deleting Sections 1 and 2 in

their entirety and substituting instead the following new Section 1:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following new section:

Any motor vehicle dealer not currently licensed as a motor vehicle dealer by the state of Tennessee or any advertising cooperative composed of such unlicensed motor vehicle dealers shall comply with all advertising requirements of Tennessee Code Annotated, Section 55-17-101 et seq. including any regulations promulgated thereunder. Such unlicensed motor vehicle dealers shall be responsible for any advertising copy bearing their name.

A violation of this act constitutes a violation of the Consumer Protection Act of 1977, Tennessee Code Annotated, Title 47, Chapter 18,

On motion, Amendment No. 1 was adopted.

Rep. Moore moved that House Bill No. 859, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0499 -- Water Pollution and Water Resources -- Permits appeal from final determination of water quality control board to be filed either in Davidson County chancery court or chancery court of county in which violation occurred. Amends TCA, Title 69, Ch. 3, Pt. 1.

Rep. Buck moved that House Bill No. 499 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1, seconded by Rep. Buck, as follows:

Amendment No. 1

Amend House Bill No. 499 by adding the following to the end of the amendatory language of SECTION 1:

The alleged violator shall elect which of the two (2) chancery courts hears the petition for review.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 499 by deleting the sentence which reads "The alleged violator shall elect which of the two (2) chancery courts hears the petition for review." and by substituting instead the following sentence:

The alleged violator shall elect in which court to file the petition for review.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 1, as amended, which motion prevailed.

Rep. Buck moved that House Bill No. 499, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Bittle, Halteman Harwell, Odom, Purcell -- 4.

A motion to reconsider was tabled.

House Bill No. 1105 -- Insurance Companies, Agents, Brokers --
Prohibits servicing carrier or representative from using information obtained in policy application or servicing of policy in pool, residual market mechanism, joint underwriting authority or assigned risk plan, for purpose of soliciting any form of insurance. Amends TCA 56-8-104.

Rep. Wood moved that House Bill No. 1105 be passed on third and final consideration.

Rep. Byrd moved adoption of Commerce Committee Amendment No. 1 seconded by Rep. Byrd, as follows:

Amendment No. 1

Amend House Bill No. 1105 by deleting the period at the end of the amendatory language of Section 1 and by adding the following language:

, except when permission to use such information is granted by the commissioner on any specific risk.

On motion, Amendment No. 1 was adopted.

Rep. Wood moved that House Bill No. 1105, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1160 -- Codes -- Authorizes incorporation by

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reference of federal rules into prepared building codes if such rules are identified by date and source. Amends TCA, Title 5, Ch. 20.

Rep. Wood moved that **House Bill No. 1160** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1157 -- Motor Vehicles, Titling and Registration -- Requires used car dealer plates to be red with white letters and numbers and new car dealer plates to be white with black letters and numbers. Amends TCA, Title 55.

On motion, **House Bill No. 1157** was made to conform with **Senate Bill No. 416**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that **Senate Bill No. 416** be passed on third and final consideration.

Rep. Robinson moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 2 as follows:

Amendment No. 2

Amend **Senate Bill No. 416** by adding the word "franchise" before the words "motor vehicle dealer" in the second sentence of the amendatory language of Section 1 of the printed bill.

On motion, Amendment No. 2 was adopted.

Rep. Rinks moved that **Senate Bill No. 416**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinlon, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 0549 -- Fiduciaries -- Adds definition of "bad faith" to Uniform Fiduciaries Act. Amends TCA, Title 35, Ch. 2.

Rep. Rinks moved that **House Bill No. 549** be reset one week to the Calendar for Wednesday, March 31, 1993, which motion prevailed.

House Bill No. 0550 -- Banks and Financial Institutions -- Expands permissible acts of disclosure under Financial Records Privacy Act; limits disclosure of information by purchasers of obligations, participation or interests. Amends TCA, Title 45, Ch. 10.

On motion, **House Bill No. 550** was made to conform with **Senate Bill No. 231**; the **Senate Bill** was substituted for the **House Bill**.

Rep. Rinks moved that **Senate Bill No. 231** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson,

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Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 93.

Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

House Bill No. 0561 -- Banks and Financial Institutions -- Requires approval for state bank merger by two thirds of stockholders of outstanding voting stock of each class eligible to vote. Amends TCA 45-2-1305.

On motion, House Bill No. 561 was made to conform with Senate Bill No. 517; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 517 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

House Bill No. 0452 -- Motor Vehicles, Titling and Registration -- Requires agencies to document request for information about motor vehicle records. Amends TCA, Title 55, Ch. 2.

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On motion, House Bill No. 452 was made to conform with Senate Bill No. 374; the Senate Bill was substituted for the House Bill.

Rep. Peroulas Draper moved that Senate Bill No. 374 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 374 by adding the following new subsections to the amendatory language of Section 1:

(f) The provisions of subsection (b) shall not apply in the county clerk's office of any county which on January 1, 1993, had provided a printed copy of such records or a portion of such records for the personal inspection and information of any person. Such county clerk may not impose a fee for the privilege of using such documents.

(g) A county clerk may provide a printed copy or a computer printout of such records for the use of the persons while in such office without charge and without identification of such users if the assistance of the employees of the county clerk is not required. The provisions of this subsection shall not be construed to require a county clerk to provide a copy or computer printout.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 374 by deleting from subsection (c) of the amendatory language of SECTION 1 the words "law enforcement agency" and substituting instead the words "law enforcement agency, a member of the media, an attorney".

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 374 by deleting from the fifth sentence of subsection (b) of the amendatory language of SECTION 1 the words and figures "two dollars (\$2.00)" and substituting instead the words and figures "one dollar (\$1.00)"

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FURTHER AMEND by deleting from the second sentence of subsection (d) of the amendatory language of SECTION 1 the words and figures "twenty-five dollars (\$25.00)" and substituting instead the words and figures "fifteen dollars (\$15.00)".

On motion, Amendment No. 3 was adopted.

Rep. Peroulas Draper moved that Senate Bill No. 374, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

*Senate Bill No. 0066 -- Courts, Municipal -- Authorizes popular election of municipal court judges with eight year term and fixed salary. Amends TCA, Title 16; Title 38, Ch. 4, Pt. 1; Title 40, Chs. 1, 5.

Further consideration of Senate Bill No. 66, previously considered on March 18, 1993, at which time it was substituted for House Bill No. 160, Amendment No. 1 was withdrawn; Amendment No. 2 was adopted and the bill was reset to the Calendar for March 24, 1993.

Rep. Hargrove moved that Senate Bill No. 66, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole

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(Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: McKee -- 1.

A motion to reconsider was tabled.

***House Bill No. 1101 -- Municipal Government -- Empowers municipalities to make loans to industrial development corporations in county in which such municipalities are located for economic and/or industrial development purposes. Amends TCA, Title 6; Title 7, Ch. 53.**

Further consideration of House Bill No. 1101, previously considered on March 22, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 24, 1993.

Rep. Jackson moved that House Bill No. 1101 be passed on third and final consideration.

Rep. Jackson moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1101 by deleting from Section 1 the phrase "may make a loan" and substituting instead the phrase "may appropriate funds for the purpose of making a loan."

FURTHER AMEND by adding the following as a new Section 2 and renumbering the subsequent section accordingly:

Section 2. Tennessee Code Annotated, Section 7-53-302(a), is amended by adding the following as a new subdivision (10) and renumbering the subsequent subdivisions accordingly:

(10) Borrow money from a municipality through a loan agreement executed with a municipality for the purpose of carrying out any of its powers.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that House Bill No. 1101, as amended, be

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passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 0974 -- Local Government, General --** Permits agencies of political subdivisions with separate governing boards to enter into joint or cooperative agreements with other such agencies and boards. Amends TCA, Title 12, Ch. 9.

Further consideration of House Bill No. 974, previously considered on March 22, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 24, 1993.

Rep. Gunnels moved that House Bill No. 974 be passed on third and final consideration.

Rep. Gunnels requested that House Bill No. 974 be moved to the heel of the Calendar.

House Bill No. 1454 -- Taxes, Real Property -- Mandates that transfer taxes on the sale of certain historical properties be based on consideration of such transfer.

Further consideration of House Bill No. 1454, previously considered on March 22, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 24, 1993.

Rep. West moved that House Bill No. 1454 be re-referred to the Calendar and Rules Committee, which motion prevailed.

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House Bill No. 0935 -- Utilities, Utility Districts -- Enacts "Underground Utility Damage Prevention Act". Amends TCA, Title 65, Ch. 31.

Further consideration of House Bill No. 935, previously considered on March 22, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 24, 1993.

Rep. Buck moved that House Bill No. 935 be passed on third and final consideration.

Rep. Buck moved to adopt Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 935 by deleting from Section 7 the words "The provisions of this act shall not apply to" and by substituting instead the following:

The provisions of Sections 1 through 6 of this act shall not apply to

AND FURTHER AMEND by inserting the following language as a new, appropriately designated section immediately preceding the effective date section and by renumbering the effective date section accordingly:

SECTION ____.

(a) Tennessee Code Annotated, Section 8-10-104, is amended by deleting the language of the section in its entirety.

(b) Tennessee Code Annotated, Section 8-10-105, is amended by deleting the language of the section in its entirety.

(c) Tennessee Code Annotated, Title 8, Chapter 10, Part 1, is amended by adding the following language as a new, appropriately designated section:

Any vacancy in the office of constable shall be filled by appointment of the county legislative body and by election of the people in accordance with the provisions of Tennessee Code Annotated, Section 5-1-104.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that House Bill No. 935 be passed on third and final consideration.

Rep. Buck requested that House Bill No. 935 be moved to the heel of the Calendar.

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***House Bill No. 0974** -- Local Government, General -- Permits agencies of political subdivisions with separate governing boards to enter into joint or cooperative agreements with other such agencies and boards. Amends TCA, Title 12, Ch. 9.

Further consideration of House Bill No. 974, previously considered on today's Calendar.

Rep. Gunnels moved that House Bill No. 974 be passed on third and final consideration.

Rep. Gunnels requested that House Bill No. 974 be moved to the heel of the Calendar.

House Bill No. 0935 -- Utilities, Utility Districts -- Enacts "Underground Utility Damage Prevention Act". Amends TCA, Title 65, Ch. 31.

Further consideration of House Bill No. 935, previously considered on today's Calendar.

Rep. Buck moved that **House Bill No. 935**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 0974** -- Local Government, General -- Permits agencies of political subdivisions with separate governing boards to enter into joint or cooperative agreements with other such agencies and boards. Amends TCA, Title 12, Ch. 9.

Further consideration of House Bill No. 974, previously considered on today's Calendar.

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Rep. Gunnels moved that House Bill No. 974 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks -- 1.

Representatives present and not voting were: Jones U (Shelby) -- 1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

FURTHER ACTION ON HOUSE AMENDMENTS

*Senate Bill No. 0053 -- Parks, Natural Areas Preservation -- Enacts "Tennessee Adopt A Park Program Act of 1993". Amends TCA, Title 11, Ch. 1, Pt. 24.

Rep. Purcell moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to Senate Bill No. 53, seconded by Rep. Hillis, which motion prevailed.

UNFINISHED BUSINESS

MOTION

Rep. Cole (Dyer) moved that House Joint Resolution No. 142 be held on the Clerk's desk instead of being placed on the Consent Calendar, which motion prevailed.

BILLS WITHDRAWN

On motion of Rep. Severance, House Bill No. 1291 was recalled from the State and Local Government Committee and withdrawn from the House.

DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction, House Bill(s) No(s). 1623 was/were referred to the Delayed Bills Committee.

*House Bill No. 1623 -- Election Laws -- Removes Loudon County from provision requiring 300 foot boundary at polling places, placing it in general law requiring 100 boundary. by *Gunnels.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 13: Rep(s). Bell as prime sponsor(s).

House Joint Resolution No. 37: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 57: Rep(s). Bell as prime sponsor(s).

House Bill No. 58: Rep(s). Bell as prime sponsor(s).

House Bill No. 112: Rep(s). Herron as prime sponsor(s).

House Bill No. 113: Rep(s). Herron as prime sponsor(s).

House Bill No. 130: Rep(s). Duer as prime sponsor(s).

House Bill No. 212: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 257: Rep(s). Jones U.(Shelby) as prime sponsor(s).

House Bill No. 286: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 371: Rep(s). Bell as prime sponsor(s).

House Bill No. 381: Rep(s). Bell as prime sponsor(s).

House Bill No. 455: Rep(s). Turner (Hamilton) as prime sponsor(s).

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House Bill No. 499: Rep(s). Arriola as prime sponsor(s).

House Bill No. 549: Rep(s). Knight as prime sponsor(s).

House Bill No. 592: Rep(s). Johnson as prime sponsor(s).

House Bill No. 669: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 859: Rep(s). Knight and Jackson as prime sponsor(s).

House Bill No. 1152: Rep(s). Fisher as prime sponsor(s).

House Bill No. 1166: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 1167: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 1232: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 1257: Rep(s). Bell as prime sponsor(s).

SPONSORS REMOVED

On motion, Reps. Armstrong and Williams (Williamson) was/were removed as sponsor of House Bill No. 1522.

CONSENT CALENDAR

March 24, 1993

The following local bills have been placed on the Consent Calendar for Monday, March 29, 1993: House Bill(s) No(s). 1610 and 1617.

MESSAGE FROM THE SENATE

March 24, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 772; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 24, 1993

MR. SPEAKER: I am directed to return to the House, House Joint

WEDNESDAY, MARCH 24, 1993 -- TWENTY-FOURTH LEGISLATIVE DAY

Resolution(s) No(s). 120, 121, 122, 123, 124 125, and 126; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 24, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 266, 345, 548, 573, 639 and 971; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 24, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 61, 104, 119, 181, 233, 372, 400, 552, 612, 646, 666, 895, 951, 1009, 1294 and 1344; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 24, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 90, 91, 92, 94, 95, 96, 97 and 106; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 24, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1050, 1474, 1598, 1602, 1603, 1605, 1607, 1609, 1611 and 1612; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 24, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 216, 290, 727, 859 and 1125; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

WEDNESDAY, MARCH 24, 1993 -- TWENTY-FOURTH LEGISLATIVE DAY

***Senate Bill No. 0216 -- Telecommunications --** Authorizes increases in E-911 service charges if approved by voters in district. Amends TCA 7-86-108. by *Springer.

Senate Bill No. 0290 -- Medicare and Medicaid -- Requires medicaid division, department of health, to create medicaid managed care delivery system. Amends TCA, Title 71. by *Ford.

***Senate Bill No. 0727 -- Election Laws --** Empowers state election commissions to discipline registrars and county election commissioners. Amends TCA, Title 2. by *Crutchfield.

***Senate Bill No. 0859 -- Crime, Victims of --** Requires arresting officer to inform victim of spousal abuse that offender may post bail and be released. Amends TCA, Title 36, Ch. 3, Pt. 6. by *Jordan.

***Senate Bill No. 1125 -- Election Laws --** Allows a person to wear button, cap, pin, shirt or other article of clothing in polling place. Amends TCA, Title 2. by *Cohen.

MESSAGE FROM THE SENATE

March 24, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 113, 114, 116, 129 and 130; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0113 -- Memorials, Public Service -- Dr. Arthur Kellermann. by *Cohen.

Senate Joint Resolution No. 0114 -- Memorials, Personal Achievement -- David Williams, Eagle Scout. by *Haynes.

Senate Joint Resolution No. 0116 -- Memorials, Public Service -- State employees for efforts during snowstorm. by *O'Brien, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis, *Elsea, *Ford, *Gilbert, *Greer, *Hamilton, *Harper, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McKnight, *McNally, *Patten, *Person, *Rice, *Springer, *Wallace, *Womack, *Wright, *Wilder, Rochelle.

Senate Joint Resolution No. 0129 -- Memorials, Professional Achievement -- Dr. Sam Humphreys, 1992-93 Middle School Principal of the Year. by *Crowe.

Senate Joint Resolution No. 0130 -- Memorials, Death -- Elizabeth L. Williams. by *Crowe.

WEDNESDAY, MARCH 24, 1993 -- TWENTY-FOURTH LEGISLATIVE DAY

ENGROSSED BILLS

March 24, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 497, 499, 859, 935, 974, 1101, 1105, 1160 and 1601.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, March 25, 1993.